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137
2003-073

DANA B. QUESINBERRY

ATTORNEY AT LAW, PLLC

214 East Main Street

Morehead, Kentucky 40351

Telephone (606) 783-9848

Facsimile (606) 783-9746

May 14, 2003

RECEIVED

Kentucky Public Service Commission
Attention: Jenny Smith
211 Sowers Boulevard
Frankfort, Kentucky 40602

MAY 15 2003

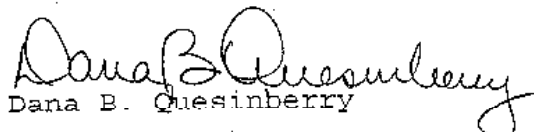
PUBLIC SERVICE
COMMISSION

Re: HyperAction Connection, Inc. v. Alltel

Dear Ms. Smith:

Please find enclosed the original and ten copies of the complaint in the above-referenced action. Please see that they are properly filed. Thank you for your cooperation.

Sincerely,


Dana B. Quesinberry

Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAY 15 2003

In the matter of:

PUBLIC SERVICE
COMMISSION

HYPERACTION CONNECTION, INC.)

Complainant,)

vs.)

ALLTELL COMMUNICATIONS, INC.)

Defendant.)

No. 2003-00073

COMPLAINT

Comes now the Complainant, HyperAction Connection, Inc. ("HyperAction"), and for its Complaint against Defendant, states as follows:

1. That Complainant, HyperAction, is a Kentucky corporation with its principal office located at 101 Zachary Way, STE 4, Somerset, KY 42502-0368.

2. That Defendant, Alltel Communications, Inc. ("Alltel"), located at 150 Rojay Drive, Lexington, KY.

3. That on October 14, 1999, HyperAction converted its then existing 5 T1 DCS trunks with 24 riders per trunk to 5 CyberDS1 trunks Verizon, the Defendant's predecessor in interest, and added one additional CyberDS1 for a total of 6 CyberDS1 circuits. See e-mail dated 10/01/99 attached hereto as Exhibit A.

4. During the conversion, a Verizon representative informed Complainant that a separate order to discontinue to service on the 5 T1 DCS trunks would be needed. Mr. Richard Cox confirmed the necessity of a separate disconnect order. Mr. Cox further instructed Complainant to send in an "out" order for the 5 circuits and to put the effective

date as 10/14/1999 so we will not be charged for them since we were then being charged for the 6 CyberDS1 trunks.

5. Complainant did send a disconnect order. See e-mail confirming receipt from GTE had received our disconnect order for the 5 T1 DCS trunks attached as Exhibit B.

6. All billing for the 5 T1 DCS trunk line should have stopped as the service was discontinued. See October 10, 1999 bill attached hereto as Exhibit B. By November 7, 1999, the bill no longer had any charges on it for DCS services and did have the 6 new CyberDS1 service charges. See November 7, 1999 bill attached hereto as Exhibit C

7. During the fall of 2002, Complainant discovered that Verizon had split the components of the T1 DCS trunks up onto two separate service bills. Some components were billed the 606-677-0433 account only had part of the services for the T1 DCS trunks. The remaining services were on a separate account 606-T01-0494. For reference, see December 10, 1999 bill attached hereto as Exhibit D.

8. Verizon continued to bill Complainant for the partial T1 DCS services on account 606-T01-0494.

9. The Complainant's financial officer did not know that the services on account 606-T01-0494 were for part of the T1 DCS trunks that were disconnected and continued to pay the monthly bills from November 1999 until May 2002.

10. Verizon had billed Complainant for the partial T1 services incorrectly in the amount of \$53,219.41 for these services that were disconnected on October 14, 1999.

11. The Defendant Alltel purchased our account from Verizon as-is in July 2002, and is responsible for any gains or losses on the account. See e-mail attached hereto as Exhibit E.

12. Defendant Alltel continued to bill Complainant for \$8,347.40 for these partial T1 services.

13. On December 12, 2002, Kathy Taylor, Alltel Business Sales, credited Complainant \$8,347.40 that it was still being billed on this account. Further, Ms. Taylor stated "we (Alltel) have verified that he should of not been billed for these charges." See e-mail attached hereto as Exhibit F.

14. Complainant has requested refund of the \$44,872.01 paid by Complainant for the services it did not receive but was billed for and erroneously paid.

15. Since December 12, 2002, Complainant made no progress with retrieving the money that was overpaid.

16. Both Defendant Alltel and Verizon have flatly stated that they are not responsible for returning our money without disputing that the money is owed to Complainant.

WHEREFORE, Complainant requests the Commission to:

1. Find that Defendant Alltel purchased Complainant's account as is and is therefore responsible for gains or losses on the account;
2. Find that Complainant was billed, and paid bills, for services for T1 trunk lines that the Complainant did not receive;
3. Find that the Defendant, Alltel, owes a refund of the \$44,872.01 to the Complainant, HyperAction, for its overpaid.
4. Find that the defendant, Alltel, must pay 1.5% monthly interest rate on each payment that has accrued since monthly overpayments began until the original filing of this complaint on February 20th, 2003, totaling \$20,449.32, to the Complainant, HyperAction.

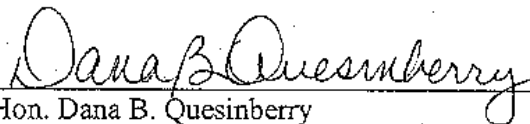
5. Find that the defendant, Alltel, must pay 1.5% monthly interest rate that will accrue, from the date of the original filing of this complaint on February 20th, 2003 until the date the complete payment is received, to the Complainant, HyperAction.

6. Find that the defendant, Alltel, must pay all of Complainant's cost and attorney's fees associated with making this action; and

7. Grant any and all such other relief the Commission deems just and proper.

Dated at Somerset, Kentucky, this 14th day of May, 2003.

Respectfully Submitted,


Hon. Dana B. Quesinberry
214 East Main Street
Morehead, Kentucky 40351
Telephone (606) 783-9848
Facsimile (606) 783-9746

VERIFICATION

I hereby verify that the facts contained in this Complaint are true and accurate to the best of my knowledge.

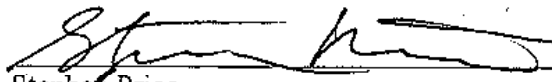

Stephen Price,
President, HyperAction Connection, Inc.
11658 Lexington Road,
Lancaster, KY 40444
(859) 333-7068

Exhibit A

Stephen Price

From: <Christi_Garcia@txirvnhwn01.irngtx.tel.gte.com>
To: "Price, Stephen" <sprice@hyperaction.net>
Cc: <olga.sosa@telops.gte.com>; <david.olness@telops.gte.com>; <christi.garcia@telops.gte.com>
Sent: Friday, October 01, 1999 4:58 PM
Subject: GTE order Firm Order Confirmation for SOMESET, KY

Dear Hyperaction, Inc for SomeSet, KY

The following is your Firm Order Confirmation (FOC) from GTE. Thank you for your order.

GTE has scheduled this order for installation on: 10/13/99

Since this is a system-generated message, please do not reply to this email message; instead, you may contact your account team or coordinators Olga Sosa at 800-483-7222 Ext. 5802 if you have questions concerning your order.

Thank you

DATE: 10/01/99 03:57:40 PM
Service Type: DCS
SubType: <NONE>
Order Type: Supp

Order#: O4657700, C4655497, C4662765, C4663333
Type: C
Supplement:
Phone#: 606 677-0433
Circuit#: G8.UHMT.215278..GTSE

Order#: I4865802
Type: I
Supplement: Yes
Phone#: 606/451-1856
Circuit#:

Order#: C4867709
Type: C
Supplement: Yes
Phone#: 606/451-1856
Circuit#: g8.dksa.215714.001.gtse

Order#: C4867709
Type: C
Supplement: Yes
Phone#:
Circuit#: g8.dksa.215714.002, g8.dksa.215714.003, g8.dksa.215714.004,
g8.dksa.215714.005, g8.dksa.215714.006

5/7/2003

FOC Email Address: sprice@hyperaction.net
PO Number:
Main Billing #: 606-677-0433
Customer Desired Due Date:

ISP or HOST/MASTER SERVICE ADDRESS:

Company Name: Hyperaction, Inc
Address: 101 ZACHARY WAY
Room:
City/ST/Zip: SOMESET, KY 42501

Bldg Type: Existing
Contact Name:
Contact Phone:
Extend Inside Wiring:
Location of Demarc:
Type of Jack:

CO/End User or REMOTE/PVC SERVICE ADDRESS:

Company Name:
Address:
Room:
City/ST/Zip: somerset, KY
Bldg Type: Existing
Contact Name:
Contact Phone:
Extend Inside Wiring:
Location of Demarc:
Type of Jack:

Quantity T1 Circuits: 1
Quantity Riders: 24
T1 Circuit #: G8.UHMT.215278..GTSE
Rider Circuit #:
Directory Listing: Yes
Term Agreement: 3 yr
Tariff Reference: Local
Configuration: Trunk Side w/1 Phone #
Channel Configuration: 2-Way Trunks
Signaling: E&M Immediate
Pulsing: DTMF
Digits Sent:
NC Code: HCE-
NCI Code: 04DU9.1SN
SECNCI Code:
Intralata Carrier/PIC: NONE

5/7/2003

Interlata Carrier/PIC: NONE
 Existing T1 Circuit #:
 Existing Rider #:
 Line Hunt:
 Line Coding: B8ZS ESF

DCS REPAIR REPORTING:

800 222-0909 (east/central)
 800 483-2000 (west)
 800 262-4831 (north)
 800 222-0909 (south)

GTE Contact: Olga Sosa
 GTE ISP National Access Customer Contact
 Phone: 800-483-7222 Ext. 5802

Tracking #: 9909130946--OS-003

REMARKS:

ISSUED ORDER O4657700 AND C4655497 AS RECORDS ORDER ONLY TO COMBINE BILLING. ORDERS C4662765 AND C4663333 WERE ISSUED TO ADD THE 6TH DCS TO LEAD NUMBER 606 677-0433. NEW CKT WILL BE G8.UHMT.215278..GTSE WITH CHANNELS 121-144. ORDERS ARE DUE DATE FOR 09-29-99.

%%
 %%%

%%

Orders C4662765 & C4663333 were canceled to change service request to cyber dsl.

Order I4865802 issued to establish primary lead/billing number of 606/451-1856 for cyber dsl service.

Order C4867709 scheduled for 10/13/99 issued to install 1 new cyber dsl service.

%%
 %%%

Order C4867709 supped to add 5 extra cyberdsl ckts for a total of 6cyber dsl's. Order is still scheduled for 10/13/99

5/7/2003

Stephen Price

From: "ISP ORDERS" <isp.orders@delos.qlc.com>
To: "Price, Stephen" <sprice@hyperaction.net>
Sent: Friday, October 15, 1999 3:47 PM
Subject: re: Fw: GTE ORDER REQUEST - DCS

Your request has been received. Thank You, ISP ORDER CENTER

Original Text

From: "Stephen Price" <sprice@hyperaction.net>, on 10/15/99 2:37 PM:
> CUSTOMER ORDER REQUEST - DCS

> *****
> *
> > ORDER TYPE: NEW ___ ADD ___ CHANGE ___ DISCONNECT ___ XX ___
> > REQUESTED DUE DATE: 10/14/1999
> > PURCHASE ORDER #:
> > CUSTOMER NAME: HyperAction, Inc.
> > CUSTOMER CONTACT NAME & TEL #: Stephen Price, 606-333-7068
> > INSTALLATION ADDRESS: 101 Zachary Way, Somerset, KY 42501
> > WORKING TELEPHONE # AT INSTALLATION ADDRESS: 606-678-0451
> > BILLING ADDRESS, CITY, ST, ZIP: P.O. Box 368, Somerset, KY 42502-0368
> > (NOTE: BILL MUST BE SENT TO THE INTERNET PROVIDER)
> > CUSTOMER SITE CONTACT NAME & TELEPHONE #: Stephen Price, 606-333-7068
> > *****
> > * Do you require 1 lead number for all T'S
> > or individual numbers per T1?
> > *****
> > IF EXISTING SERVICE - (PLEASE INDICATE EXISTING LEAD NUMBER)
> > EXISTING LEAD #:
> > # OF DCS REQUESTED:
> > TOTAL # DCS AT INSTALLATION:
> > NOTE: >
> *****

5/7/2003

Exhibit B

> T1 STANDARD CONFIGURATION
> > 24-2-WAY TRUNKS
> > - WINK START, E&M, MF, ZERO DIGITS SENT, 710 DIGITS RECEIVED
> > - SINGLE LEAD TELEPHONE NUMBER MAY ACCESS ALL TRUNKS ACROSS
> > MULTIPLE CYBER DSI CIRCUITS IN A CYBER DSI ARRANGEMENT.
> > - OPTIONAL, MAY HAVE MULTIPLE LOCAL TEL. NUMBERS (PLTNS)
> > - OPTIONAL, ALSO MAY HAVE A UNIQUE TN PER CYBER DSI
> > - ALL TNS WILL HAVE TOLL BLOCKED. CARRIERS ARE NOT PERMITTED.
> > FRAMING: BRZ/ESF ___ DA/AMI ___ SF/AMI ___
> > DO YOU REQUIRE GTE TO EXTEND THE DEMARC TO YOUR EQUIPMENT?
> > IF YES INDICATE LOCATION:
> > NOTE: TO EXTEND DEMARC THERE MAY BE ADDITIONAL CHARGES PER HOUR
> > *****
> > SPECIAL INSTRUCTIONS:
> > I need the following existing DCS trunks removed:
> > G8.UHMT.012496
> > G8.UHMT.011109
> > G8.UHMT.012496
> > G8.UHMT.013003
> > G8.UHMT.007478
> > G8.UHMT.215278
> > *****
> > Debra Mendez
> > Account Executive
> > GTE Wholesale Markets
> > 1-813-273-2924
> > 1-877-483-6535
> > debra.mendez@delos.qlc.com
> > *****
> > Richard L. Cox, IV
> > Internet Wholesale Markets - East
> > Account Manager - FL, KY, SC, NC, AL, MO
> > Toll Free - 877-483-6537
> > Pager - 800-483-6726
> > email - Richard.L.Cox@delos.qlc.com

5/7/2003

How to Reach Us

ACCOUNT SUMMARY

INC HYPERACTION

GTE billing
 questions
 1 800 483-6000

Previous charges	
Amount of last bill	\$.00
No payment received	.00
Balance	\$.00

If not paid on time,
 pay penalty of 1.5%
 apply to any unpaid
 balance over \$25.00
 Dec. 07, 1999.

GTE repair
 call
 Customer Care
 1 800 483-2000

Current charges	
GTE regulated services	\$ 11,918.67
Total current charges	\$ 11,918.67

Total amount due	\$ 11,918.67
Due date for current charges only	Dec 7, 1999

To order GTE
 services
 1 800 483-6000

ck # 1703

Keep ▲ Please see reverse side for additional information.

PAGE 3 OF 4

GTE REGULATED SERVICE (Nov 7 to Dec 7)

Description	Qty	Unit Rate	
LN#6068DKS714 1 Cyberds I	1	750.00	75
2 DCS Interstate access charge	2	9.20	18
LN#6068DKS715 3 Cyberds I	1	750.00	75
4 DCS Interstate access charge	2	9.20	18
LN#6068DKS716 5 Cyberds I	1	750.00	75
6 DCS Interstate access charge	2	9.20	18
LN#6068DKS717 7 Cyberds I	1	750.00	75
8 DCS Interstate access charge	2	9.20	18
LN#6068DKS718 9 Cyberds I	1	750.00	75
10 DCS Interstate access charge	2	9.20	18
LN#6068DKS719 11 Cyberds I	1	750.00	75
12 DCS Interstate access charge	2	9.20	18
Total		\$ 4,611	

ADDING AND CHANGING SERVICE (Regulated)

Services for
 606-677-0433

The following services are for a partial month, from the effective
 date of your change to the Statement Ending Date (Nov 07, 1999).

Services Added

Product Description	Qty	Order Number	Effective Date	
13 DCS Interstate access charge	12	C4867709	Oct 11	95
14 Cyberds I	6	C4867709	Oct 11	3,900
Total Services Added				3,995

Service Order Charges and Credits

Product Description	Order Number	Effective Date	
15 Initial order	C4867709	Oct 11	24.
16 Cyberds I - install	C4867709	Oct 11	500.
17 Cyberds I - install	C4867709	Oct 11	500.
18 Cyberds I - install	C4867709	Oct 11	500.
19 Cyberds I - install	C4867709	Oct 11	500.
20 Cyberds I - install	C4867709	Oct 11	500.
21 Cyberds I - install	C4867709	Oct 11	500.
Total Service Order Charges and Credits			3,024.

Total Adding and Changing Service **\$ 7,019.**

How to Reach Us

ACCOUNT SUMMARY

HYPERACTION INC
SUMMARY BILL

**GTE billing
questions
1 800 483-6000**

Previous charges	
Amount of last bill	CR \$ 3,975.01
No payment received.	.00
Credit balance	CR \$ 3,975.01

GTE repair
call
Customer Care
1 800 483-2000

<u>Current charges</u>	
GTE regulated services	\$ 1,751.60
Total current charges	\$ 1,751.60

Total amount due CR \$ 2,223.41
No payment necessary

To order GTE
services
1 800 483-6000

TELEPHONE NUMBER 606 197-0311
ACCOUNT NUMBER 207872021580258608

212*HBRDA1
00000059 SK0000000449
20-KY 7872
6061970311 19990920

*It's our
privilege to
serve you.*

KSI2103.122.29169 1 AT 0.261 12/19/99
HYPERACTION INC
SUMMARY BILL
T1/DCS
POBOX 86
SOMERSET KY 42502-0086
[Barcode]

TELEPHONE NUMBER 606 197-1
 ACCOUNT NUMBER 207872021580258
 STATEMENT ENDING Dec 10, 1999

SUMMARY ACCOUNT TRANSACTIONS

SUMMARY OF CHARGES BY ACCOUNT

Telephone Number	Location/Store Number	Previous Charges	Current Charges
1 606 T01-0494	SOMERSET TI SERVICE CKT# G8.UHMT.010494..GTSES		1,751.60
2 606 677-0433	SOMERSET DCS CKT# G8.TGNA.606.677.0433..		.00
Total Current charges			\$ 1,751.60

CURRENT CHARGES RE-CAP FROM ACCOUNTS

Regulated Charges		
3 GTE regulated service		1,521.00
4 GTE regulated service taxes and surcharges		
	Federal	46.96
	Local	89.83
	State	93.81
	Accumulated charges	230.60
Total		\$ 1,751.60

Stephen Price

From: <stephen.price@verizon.com>
 To: "Stephen Price" <spice@hyperaction.net>
 Cc: <gary.sides@verizon.com>; <Herman.Thomas@alltel.com>
 Sent: Monday, December 16, 2002, 10:28 AM
 Attach: Verizon bill Review for DCS.xls
 Subject: Re: Fw: HyperAction - claim number C020910006290 - Billing Account 606T010494

Stephen, Good morning,
 I hate to be the bearer of bad news. Our hands are tied, Alltel purchased this account "AS IS" which basically means we are no longer in the picture. No credits or debts will be issued on the bat 606 T01-0494, from Verizon.

Thanks,

Debbie Turney
 ACS/CS Billing Rep
 800-483-7222 option 1 Ext 3026
 Fax number: 915-944-6402
 Internet Address: Debbie.D.Turney@verizon.com
 Please submit claims & order request via the web:
<http://www.verizon.com/wholesale/billingclaim>

"Stephen Price"
 <spice@hyperaction.net> To: Debbie D.
 Turney/EMPL/ITX/Verizon/VZNotes
 on:net> cc: "Hamil, Todd" <Todd.Hamil@alltel.com>; "Glenn
 Price"

<skholli@bellsouth.net> <spice@hyperaction.net>; "Wayne Hollis"
 12/15/02 11:01 PM Subject: Re: Fw: HyperAction - claim number C020910006290 -
 Billing Account 606T010494

This has been totally confused again. There were not 10 lines but 5. There was not one account but two.

In October, we were receiving two bills for the 5 DCS lines as follows:
 Account #: 606 677-0433

5/7/2003

DCS T1 Line Number Description Qty cost Extended
 1 LNH606UH7478 DCS - activation 24 \$ 35.00 \$840.00
 1 LNH606UH7478 DCS - 24 Channels 1 \$310.00 \$310.00
 1 LNH606UH7478 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 2 LNH606UH0494 DCS - activation 24 \$ 35.00 \$840.00
 2 LNH606UH0494 DCS - 24 Channels 1 \$310.00 \$310.00
 2 LNH606UH0494 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 3 LNH606UH1109 DCS - activation 24 \$ 35.00 \$840.00
 3 LNH606UH1109 DCS - 24 Channels 1 \$310.00 \$310.00
 3 LNH606UH1109 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 4 LNH606UH2495 DCS - activation 24 \$ 35.00 \$840.00
 4 LNH606UH2495 DCS - 24 Channels 1 \$310.00 \$310.00
 4 LNH606UH2495 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 5 LNH606UH3003 DCS - activation 24 \$ 35.00 \$840.00
 5 LNH606UH3003 DCS - 24 Channels 1 \$310.00 \$310.00
 5 LNH606UH3003 DCS interstate access charge 2 \$ 9.20 \$ 18.40

Account # 606 T01-0494

DCS T1 Line Number Description Qty cost Extended
 1 LNH606T007478 DCS - 24 Channels 1 \$295.00 \$295.00
 1 LNH606T007478 DCS interstate access charge 1 \$ 9.20 \$ 9.20
 2 LNH606T010494 DCS - 24 Channels 1 \$295.00 \$295.00
 2 LNH606T010494 DCS interstate access charge 1 \$ 9.20 \$ 9.20
 3 LNH606T011109 DCS - 24 Channels 1 \$295.00 \$295.00
 3 LNH606T011109 DCS interstate access charge 1 \$ 9.20 \$ 9.20
 4 LNH606T012495 DCS - 24 Channels 1 \$295.00 \$295.00
 4 LNH606T012495 DCS interstate access charge 1 \$ 9.20 \$ 9.20
 5 LNH606T013003 DCS - 24 Channels 1 \$295.00 \$295.00
 5 LNH606T013003 DCS interstate access charge 1 \$ 9.20 \$ 9.20

These two bills made up a single set of 5 T1 DCS lines, not 10. With these two bills together we were not being under-billed for these 5 DCS facilities.

When we converted our service from DCS to CyberDSL, Account 506 677-0433 dropped the 15 line items above and added 12 line items as followed (we ordered/canceled a 6th CyberDSL):

Account # 606 677-0433

CyberDSL Line Number Description Qty cost Extended
 1 LNH6068DK5714 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 1 LNH6068DK5714 CyberDSL 1 \$750.00 \$750.00
 2 LNH6068DK5715 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 2 LNH6068DK5715 CyberDSL 1 \$750.00 \$750.00
 3 LNH6068DK5716 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 3 LNH6068DK5716 CyberDSL 1 \$750.00 \$750.00
 4 LNH6068DK5717 DCS interstate access charge 2 \$ 9.20 \$ 18.40
 4 LNH6068DK5717 CyberDSL 1 \$750.00 \$750.00
 5 LNH6068DK5718 DCS interstate access charge 2 \$ 9.20 \$ 18.40

5/7/2003

5 L1N#6068DK3718 Cyberds1 1 \$750.00 \$750.00
 6 L1N#6068DK3719 DCS Interstate access charge 2 \$ 9.20 \$ 18.40
 6 L1N#6068DK3719 Cyberds1 1 \$750.00 \$750.00

This process removed the DCS T1 charges for Activation (\$35/channel), DCS Facility (\$310/line), and DCS Interstate charges (2 per line @ \$9.20) from 606 677-0433 but it did not remove the DCS Interstate charges (\$9.20/line) and DCS Service (\$295/line) from 606 T01-0494. When we converted our service from DCS to CyberDS1, 606 T010494 and 606 6770433 should have been collapsed back down into one bill with only the charges for the 6 CyberDS1s and 12 Interstate access charges.

I am attaching additional documentation, including the spreadsheet we discussed. The attached emails, and the message threads in them, should document the entire conversion process and removal of the DCS lines. I also mentioned to you that I started this inquiry BEFORE Alltel purchased my account and it should have been entirely handled by Verizon before Alltel even came on the scene. I will be sending you a separate email with email attachments documenting that process.

Let me know if you need anything else and please keep me posted on the status.

Thank you,
 Stephen Price,
 HyperAction, Inc.

-----Original Message-----
 From: <Debbie.Turney@verizon.com>
 To: "Stephen Price" <spice@hyperaction.net>
 Sent: Friday, December 13, 2002 6:06 PM
 Subject: Re: Fw: HyperAction - claim number C020910006390 - Billing Account 606T010494

>
 > Stephen, from our conversation this morning 12/13/02 you said that 5 DCS
 on
 > 606 T01-0494 was to be changed to Cyber DS1. Per our billing records that
 > was not done. We were underbiling your account 606 T01-0494, no
 > facility
 > charges and no channel charges. You stated part of the DCS charges were
 on
 > 606 T01-0494 and part on 606 677-0433. Our records indicate 606 677-0433
 99.
 > was stilling for 5 DCS's and they were changed to Cyber DS1's in October
 > The bills do not reflect any facility charges or channel charges that you
 > said were partly billed. Are you saying that the DCS's that were billed
 on

5/7/2003

> 606 T01-0494 were to be changed to Cyber DS1's and billing should stop
 > completely on 606 T01-0494 and start billing under 606 677-0433. That
 > would be a total of 10 Cyber DS1's. Please forward any documentation
 that
 > you have either by email or fax to me at the number listed below. I will
 > get an answer from my analyst if anything can be done to try and resolve
 > this issue.
 >
 >
 > Thanks,
 >
 > Debbie Turney
 > ACS/C Billing Rep
 > 800-483-7222 option 1 EN 5026
 > Fax number 915-944-4402
 > Internet Address: Debbie.D.Turney@verizon.com
 > Please submit claims & order request via the web:
 > <http://www.verizon.com/wholesale/billingdata>

>
 > "Stephen Price"
 > <spice@hyperacti To: Debbie D.
 > Turney/EMPL/X/Verizon@VZNet
 > cc:
 > on net>
 > Subject: Fw:
 > HyperAction -- claim number C020910006390 - Billing Account
 > 12/13/02 09:36 AM 606T010494

>
 > Debbie,
 > I need you to call me at 859-333-7068 ASAP please.
 >
 > Thank you.
 >
 > Stephen Price
 >
 > -----Original Message-----
 > From: Karen Cunningham@alltel.com
 > To: spice@hyperaction.net
 > Cc: Herman Thomas@alltel.com ; Todd Hamm@alltel.com
 > Sent: Friday, December 13, 2002 9:59 AM
 > Subject: RE: HyperAction
 >
 > Stephen,

5/7/2003

> ALLTEL has written off the carry over balance on the account we have
 > discussed. We will be unable to issue additional credit on the account
 > as
 > this matter is between you and Verizon. As ALLTEL, I cannot substantiate
 > giving you additional credit on something we did not bill.
 > My suggestion is to go back to Debbie Turney in Verizon as she seems to
 > be
 > familiar with your situation.
 >
 > Karen Cunningham
 > Supervisor-Sales Support
 > 150 Rojay Drive
 > Lexington, KY 40503
 >
 > 859-425-6027
 > 859-245-3462 Fax
 >
 > -----Original Message-----
 > From: Stephen Price [mailto:spice@hyperaction.net]
 > Sent: Friday, December 13, 2002 6:26 AM
 > To: Cunningham, Karen
 > Cc: Hamill, Todd
 > Subject: Re: HyperAction
 > Importance: High
 >
 > I would like to thank you for getting the \$8k portion taken care
 > of.
 > I would also like an update this morning on where we stand with the
 > balance of the account that was overpaid.
 >
 > Stephen Price
 >
 > -----Original Message-----
 > From: Karen Cunningham [mailto:kcc@alltel.com]
 > To: spice@hyperaction.net
 > Cc: Todd Hamill [mailto:todd.hamill@alltel.com]
 > Sent: Wednesday, December 11, 2002 4:54 PM
 > Subject: RE: HyperAction
 >
 > Stephen,
 >
 > I'm going to try to stretch that rubber as much as I can and do
 > whatever we can for you.

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> Karen Cunningham
 > Supervisor-Sales Support
 > 150 Rojay Drive
 > Lexington, KY 40503
 >
 > 859-425-6027
 > 859-245-3462 Fax
 >
 > -----Original Message-----
 > From: Stephen Price [mailto:spice@hyperaction.net]
 > Sent: Wednesday, December 11, 2002 1:47 PM
 > To: Cunningham, Karen
 > Cc: Stephen Price; Hamill, Todd
 > Subject: HyperAction
 >
 > Karen,
 >
 > I looked through these messages and none of them directly
 > addressed the issue of Alltel owning the account. It would
 > go
 > for 30 days with the claim and I would not get a status
 > without calling and then they would give me a status
 > verbally
 >
 > over the phone. There is one message where they said they
 > would reject the claim because I actually still owed them
 > money. I called her and corrected her miss-information and
 > then after a couple of days on the phone with her, she said
 > her management would not let her work on it any longer since
 > Alltel now owns the account.
 >
 > As you can probably guess, I do not really care at this
 > point
 > what the deal is with your buyout of Verizon. I know Alltel
 > now owns my account and expects to be paid what I owed when
 > Verizon owned the account. There should have been clauses or
 > something in the buyout contracts to cover things like this
 > I
 > am sure there were many billing issues that got caught up in
 > the transaction and I cannot imagine there was nothing put
 > in
 > place to handle such issues. I should not have to take both
 > companies to court to get this resolved.
 >
 > I have known Todd for some time now by our work together
 > with
 > the State of K.Y. When Alltel was in the process of buying
 > out
 > Verizon, he was preaching Alltel's accolades. You would have
 > thought Alltel hung the moon and after all the turmoil and

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> problems we had with GTE & Verizon, I was hoping he was at
 > least partially right. I am now becoming more and more
 > skeptical. In the scope of the buyout of Verizon KY, my \$42K
 > is very insignificant. In the scope of my small ISP business
 > that 2 of my friends and myself have sunk a lot of our own
 > money into, it may determine whether we threw all of our
 > money down the toilet or not. Todd said that Allie was a
 > community
 > company that focused on being part of the community that it
 > did business with. That it focuses it's attention on all of
 > it's customers, whether they are a Toyota or a Bob's
 > Gas-n-Go.

> The marketing campaign that I have witnessed has also
 > portrayed this image. With all that said, this is where the
 > rubber meets the road.

> Thank you.
 > Stephen Price

> (See attached file: Verizon Bill Review for DCS.xls)
 > ----- Message from "Olga Sosn" <olga.sosn@telops.gte.com> on Fri, 1 Oct
 > 1999 8:15:56 -0500 -----

To: "Price, Stephen" <spice@hyperaction.net>
 cc: "Bobby Lee" <bobby.lee@telops.gte.com>, "Richard Cox" <richard.cox@telops.gte.com>

Subject: Re: changing order from DCS to Cyberds1

I'll snip the order this morning.

Thank You,
 Olga Sosn
 ISP Coordinator
 800-483-7222

Original Text
 From: "Stephen Price" <spice@hyperaction.net>, on 10/1/99 7:57 AM:
 Oka.
 Bobby Lee called me yesterday evening and instructed that I could have you
 supplement the current order for 1 Cyberds1 to make it an order for a

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total
 of 6 Cyberds1's. I want them all to look the same with b82s and ESP. Then
 I need special instructions on the order to convert the their lead number to
 606-677-0433 only after coordinating with me by calling 606-333-7068. I
 will
 also need all 13 analogs on the 606-677-0433 hunt removed from that hunt,
 rollover service removed from all 13 and 9 of them completely deleted. We
 should then be able to recover the copper for those 9 analog lines to make
 sure that we have enough in our facilities to have parallel trunks for
 facilitating the switch-over.

If you cannot supplement the existing order, please let me know ASAP by
 calling 502-564-0379. If I am unavailable for some reason, please email
 me.
 I would like to get this order taken care of today. We are beginning to
 get
 into the busy season and need to have something in place quickly. Thank
 you
 for your help.

Circuit IDs for existing DCSs:
 G8 UHMT 010494
 G8 UHMT 011109
 G8 UHMT 012496
 G8 UHMT 013003
 G8 UHMT 007478
 G8 UHMT 215278 (new circuit currently being converted to Cyberds1)

Stephen Price,
 HyperAction, Inc.
 (606) 333-7068

----- Original Message -----
 From: "Olga Sosn" <olga.sosn@telops.gte.com>
 To: "Price, Stephen" <spice@hyperaction.net>
 Cc: "Richard Cox" <richard.cox@telops.gte.com>
 Sent: Thursday, September 30, 1999 3:55 PM
 Subject: Re: changing order from DCS to Cyberds1

> Mr. Price, Richard sent in an order for us to go ahead with 1 cyberds1.
 > Instead of 1 DCS, which you should've gotten the FCC for yesterday.
 > All
 > orders need to go to the ISP order@telops.gte.com box.
 > You need to get with Richard and he can send you the form that we need
 > filled out for the Cyberds1's and then he can send your order to us.
 > Thank You,
 > If you would like to place an order, please send request to

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> lsp.orders@telops.etc.com
 > Olga Sosa
 > ISP Coordinator
 > 800-483-7222
 > -----
 > Original Text
 > From: "Stephen Price" <spice@hyperaction.net>, on 9/30/99 2:24 PM:
 > I just got word from Richard Cox what I need to have done.
 > I need 6 CyberDSI's installed parallel to my existing DCS's with a fake
 > lead
 > number. I then need you to coordinate with me for a takeover of the lead
 > number (606-677-0433) from the DCS's to the new CyberDSI's. When you
 > coordinate that with me, I will physically move the lines from the DCS
 > smartjacks to the CyberDSI smartjacks. We will then remove the DCS
 > lines.
 > If
 > I need to create a new order form, please instruct how I am to do it. I
 > also
 > have the Circuit numbers at home that I can email you tonight if
 > necessary.
 > Please inform how to proceed.
 > -----
 > Also, we currently have 13 analog phone lines at the end of the
 > 606-677-0433
 > hunt group. I need to remove them off of the hunt group, delete all but
 > 4
 > of
 > them and remove the rollover service from those four. Please let me
 > know
 > also, what kind of order I need to put through for that or if you can
 > accept
 > this note to complete the work.
 > -----
 > Thank you.
 > Stephen Price,
 > President,
 > HyperAction, Inc.
 > (606) 333-7068
 > -----
 > Original Message -----
 > From: "Olga Sosa" <olgasosa@telops.etc.com>
 > To: "Price, Stephen" <spice@hyperaction.net>
 > Cc: "Richard Cox" <richard.cox@telops.etc.com>
 > Sent: Friday, September 24, 1999 10:50 AM
 > Subject: Re: changing order from DCS to Cyberdsi
 > -----
 > RICHARD, I'LL LET YOU GET WITH MR. PRICE AND THEN PLEASE ADVISE US AS

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WE
 >> ALREADY HAVE THE DCS ORDER READY TO GO, AND NEED TO MAKE THE
 >> NECESSARY
 >> CHANGES. PLEASE LET ME KNOW ASAP.
 >> -----
 >> Olga Sosa
 >> ISP Coordinator
 >> 800-483-7222
 >> -----
 >> Original Text
 >> From: "Stephen Price" <spice@hyperaction.net>, on 9/24/99 9:22 AM:
 >> My final design calls for all of the DCS' to be converted to
 >> CyberDSI's
 >> I
 >> started with this line for I am not using it yet and did not want to
 >> have
 >> an
 >> outage. Please advise the best approach to take to convert all 6 of my
 >> DCS
 >> to CyberDSI's with the least or preferably no down time. Thank you.
 >> -----
 >> Stephen Price,
 >> HyperAction, Inc.
 >> -----
 >> Original Message -----
 >> From: Olga Sosa <olgasosa@telops.etc.com>
 >> To: Price, Stephen <spice@hyperaction.net>
 >> Sent: Friday, September 24, 1999 9:45 AM
 >> Subject: changing order from DCS to Cyberdsi
 >> -----
 >> MR. PRICE, WE RECEIVED THIS REQUEST TO CHANGE EXISTING ORDER THAT WE
 >> CURRENTLY HAVE IN FOR DCS TO CYBERSDI... WE CANNOT COMBINE PRODUCTS,
 >> YOUR
 >> CURRENT SERVICES ARE DCS. THE CYBER WILL HAVE TO HAVE ITS OWN LEAD
 >> #.
 >> OWN
 >> TRUNK GROUP... WE CAN PROBABLY POINT THE CYBER TO THE DCS IN A HUNT
 >> GROUP
 >> PLEASE ADVISE IF THIS IS WHAT YOU ARE WANTING ASAP.
 >> -----
 >> S. PRICE WROTE:
 >> SPECIAL INSTRUCTIONS:
 >> Existing Circuit ID #: GR.UHMT.215278.GTSE
 >> This line is currently in the process of being installed as a DCS
 >> Transide and
 >> we want it to be installed as a CyberDSI line.

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Richard L. Cox, IV
Internet Wholesale Markets - East

Account Manager - FL, KY, SC, NC, AL, MO
 Toll Free - 877-483-6537
 Pager - 800-483-4726
 email - richard.cox@telops.etc.com
 ----- Original Text -----

From: "Stephen Price" <spice@hyperaction.net>, on 10/14/1999 9:52 AM:
 The cuover this morning was successful. Thank you all for your help in this conversion.

Stephen Price,
 HyperAction, Inc.

----- Original Message -----
 From: "Stephen Price" <spice@hyperaction.net>
 To: "Richard Cox" <richard.cox@telops.etc.com>
 Sent: Wednesday, October 13, 1999 4:42 PM
 Subject: Re: Re: please call steve with hyperaction...he needs your hel

> Julie Evans (915-944-6265) is entering the order and is trying to arrange
 > for the 8:00am cuover. -- She just called me back and said that
 > everything
 > is lined up for 8:00 - 8:05 in the morning. Jason Bush (813-914-8020)
 > will
 > be doing the cut over. I do have one of the Cybers on a modem server, so
 > when he cuts it over, I should be able to immediately service customers
 > on
 > that one T1 and then be able to manage the cuover of the remaining 5
 > DCS's.
 > Hopefully this will mean that there will be only about 5 minutes when
 > someone may get a busy signal or an out of service message.
 >
 > Thank you for your help.
 >
 > Stephen Price,
 > HyperAction, Inc.
 >
 > ----- Original Message -----
 > From: "Richard Cox" <richard.cox@telops.etc.com>
 > To: "Brenda Reister" <b.reister@telops.etc.com>
 > Cc: "Sylvia Gonzalez" <sylvia.gonzalez@telops.etc.com>
 > Sent: Wednesday, October 13, 1999 4:09 PM
 > Subject: Fwd: Re: please call steve with hyperaction...he needs your hel
 >
 >
 > > Brenda
 > > Olga discussed the cuover of these 6 cybers with the customer who was
 > > apparently left with the impression that no further order form

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completion
 > was
 > > necessary on this part. I believe we could debate over the necessity of
 > > filling out 2 separate orders to accomplish this order activity...
 > > Please see if we can get this order entered and expedited...per the
 > > customers
 > > request.
 > > Thank you,
 > >
 > > Richard L. Cox, IV
 > > Internet Wholesale Markets - East
 > > Account Manager - FL, KY, SC, NC, AL, MO
 > > Toll Free - 877-483-6537
 > > Pager - 800-483-4726
 > > email - richard.cox@telops.etc.com
 > > ----- Original Text -----
 > >
 > > From: "Stephen Price" <spice@hyperaction.net>, on 10/13/1999 11:33 AM:
 > > To: "SPORDER@CAROPS.CORP.NAOC@TXSAN.Richard
 > > Cox@CAIMKT.CMS@ELIPA.Brenda
 > > Belue@CAROPS.CORP.NAOC@TXSAN.Olga Sosa@CAROPS.CORP.NAOC@TXSAN
 > > > It was never made clear to me that I needed to send in a separate order
 > > for
 > > the cuover, but I am now requesting that the lead number 606-677-0433
 > > be
 > > moved from my old T1's to my new Cybertel referenced in Tracking #:
 > > 9909130946-OS-003. I need to schedule this for 8:00am EDT, 10/14/99. I
 > > will
 > > need to be contacted at (606) 333-7068 to coordinate the actual switch
 > > to
 > > the new T1's. Thank you.
 > >
 > > Stephen Price,
 > > HyperAction, Inc.
 > >
 > > ----- Original Message -----
 > > From: "Olga Sosa" <olga.sosa@telops.etc.com>
 > > To: "Brenda Reister" <b.reister@telops.etc.com>; "Richard Cox"
 > > <richard.cox@telops.etc.com>
 > > Cc: "Price, Stephen" <spice@hyperaction.net>
 > > Sent: Wednesday, October 13, 1999 10:57 AM
 > > Subject: re: please call steve with hyperaction...he needs your help
 > >
 > >
 > > > Richard, I was in a class last time Mr. Price and I talked he knew
 > > > was
 > > > to
 > > > send in an order when he was ready for the cybers to be put on the

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lead
>>> number.
>>> We didn't request it with the original order because he wanted to be
> sure
>> and
>>> test...an order needs to be sent in to the isp orders box, has he
sent
>> you
>>> an order?
>>> ----- Original Text -----
>>> From: Richard Cox@CCARMKT.CMS@ELTPA, on 10/13/99 9:49 AM:
>>>
>>> Brenda,
>>> Olga is the coordinator for Hypnaction...I left her a vm this am and
> the
>>> customer hasn't heard from her...she may be busy or hasn't had a chance
to
>>> check her vm...he needs his mail in cut over...I'd like her to
>>> assist...or
>>> someone else if she is out today...
>>> Thanks,
>>>
>>> Richard L. Cox, IV
>>> Internet Wholesale Markets - East
>>> Account Manager - FL, KY, SC, NC, AL, MO
>>> Toll Free - 877-483-6537
>>> Pager - 800-483-4726
>>> email - richard.cox@telops.etc.com
>>

----- Message from "Richard Cox" <richard.cox@telops.etc.com> on Thu, 14
Oct 1999 9:22:59 -0500 -----
To: "Price, Stephen"
<spice@hypnaction.net>
Subject: re: Final Steps

Steve,
If the coordinator did not place an "out" order on the DCS you will need to
submit another order...put today as the effective date so you are not
overcharged...I'll send you both a DCS order form and a BI order form...and
the calling plans for Garrard County....
Thanks
Richard L. Cox, IV

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Internet Wholesale Markets - East
Account Manager - FL, KY, SC, NC, AL, MO
Toll Free - 877-483-6537
Pager - 800-483-4726
email - richard.cox@telops.etc.com
----- Original Text -----
From "Stephen Price" <spice@hypnaction.net>, on 10/14/1999 9:58 AM:
Richard,
Do I understand now that I need to send in a separate order to have my
DCS's
turned off now? I also need to remove the 13 analogs from that hunt group
and
delete all but 4 analogs which I wish to only keep as standalone. Is there
a
separate order form I need to use for the analogs or do I put it in the
special instructions on the order for deleting the DCS's?
Also, I need to order a BI for my new Garrard County, KY POP. Do I do that
through your group? If not, then who? If so, I need to know what calling
plans are available for that area (606548) i.e. basic vs extended, etc.
Thank you.
Stephen Price,
HypnAction, Inc.

----- Message from ISP ORDERS <isp.orders@telops.etc.com> on Fri, 15 Oct
1999 14:37:57 -0500 -----
To: "Price, Stephen"
<spice@hypnaction.net>
Subject: re: Fw: OTE ORDER REQUEST - DCS

Your request has been received. Thank You, ISP ORDER CENTER

Original Text
From: "Stephen Price" <spice@hypnaction.net>, on 10/15/99 2:37 PM:
> CUSTOMER ORDER REQUEST - DCS
>

*
*
*
> ORDER TYPE: NEW __ADD__CHANGE__DISCONNECT__XX__
>

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> REQUESTED DUE DATE: 10/4/1999
> PURCHASE ORDER #
> CUSTOMER NAME: HyperAction, Inc.
> CUSTOMER CONTACT NAME & TEL #: Stephen Price, 606-333-7068
> INSTALLATION ADDRESS: 101 Zachary Way, Somerset, KY 42501
> WORKING TELEPHONE # AT INSTALLATION ADDRESS: 606-678-0451
> BILLING ADDRESS, CITY, ST, ZIP: P.O. Box 368, Somerset, KY 42502-0368
> (NOTE: BILL MUST BE SENT TO THE INTERNET PROVIDER)
> CUSTOMER SITE CONTACT NAME & TELEPHONE #: Stephen Price, 606-333-7068
> *****
> * Do you require 1 lead number for all T1's
> or individual numbers per T1?
> *****
> IF EXISTING SERVICE - (PLEASE INDICATE EXISTING LEAD NUMBER)
> *****
> EXISTING LEAD #:
> *****
> # OF DCS'S REQUESTED:
> *****
> TOTAL # DCS'S AT INSTALLATION:
> NOTE: >
> *****
> T1 STANDARD CONFIGURATION
> *****
> - 24.2 WAY TRUNKS
> - WINK START, E&M, MF, ZERO DIGITS SENT, 7/10 DIGITS RECEIVED
> - SINGLE LEAD TELEPHONE NUMBER MAY ACCESS ALL TRUNKS ACROSS
> MULTIPLE CYBER DSI CIRCUITS IN A CYBER DSI ARRANGEMENT.
> - OPTIONAL, MAY HAVE MULTIPLE LOCAL TEL NUMBERS (LTN's)
> - OPTIONAL, ALSO MAY HAVE A UNIQUE T1 PER CYBER DSI
> - ALL T1s WILL HAVE TOLL BLOCKED, CARRIERS ARE NOT PERMITTED.
> *****
> FRAMING: B8ZSESF ____ D4/AM1 ____ SF/AM1 ____
> DO YOU REQUIRE GTE TO EXTEND THE DEMARC TO YOUR EQUIPMENT?
> IF YES INDICATE LOCATION:
> *****
> NOTE: TO EXTEND DEMARC THERE MAY BE ADDITIONAL CHARGES PER HOUR.
> *****

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> SPECIAL INSTRUCTIONS:
> I need the following existing DCS trunks removed:
> G8 UHMT:012496
> G8 UHMT:011109
> G8 UHMT:012496
> G8 UHMT:013003
> G8 UHMT:007478
> G8 UHMT:215278
> *****
> Debra Mendez
> Account Executive
> GTE Wholesale Markets
> 1-813-273-2924
> 1-877-483-6535
> debra.mendez@gtdaps.net
> *****
> Richard L. Cox, IV
> Internet Wholesale Markets - East
> Account Manager - FL, KY, SC, NC, AL, MO
> Toll Free - 877-483-6537
> Pager - 800-483-4726
> email - richard.cox@gtdaps.net

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Stephen Price

From: <Kathy.Taylor@alltel.com>
To: <sprice@hyperaction.net>
Sent: Thursday, December 12, 2002 11:12 AM
Subject: FWC HyperAction

Steve,

I'm resending this e-mail to you and also I will follow up for your adjustment and forward you a copy.

> -----Original Message-----
> From: Taylor, Kathy
> Sent: Thursday, December 12, 2002 10:08 AM
> To: Ryder, Tammy
> Cc: Cunningham, Karen; sprice@hyperaction.net; Hamill, Todd
> Subject: HyperAction
>
> Tammy,
>
> Thank you for your help in resolving this issue for acct # 074-197-0290.
> Please have the full amt of \$347.40 credited, we have verified that he should not been billed for
> these charges.
>
> Thank you again,
>
> Kathy Taylor
> Customer Service Specialist
> Allied Business Sales
> 859-425-6033
> Fax 859-425-6082
>
>
>

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